

Appln. No. 10/670,682
Response dated: Nov. 22, 2006
Response to Office Action dated August 22, 2006

Remarks/Arguments

These remarks are in response to the Office Action dated August 22, 2006. This reply is timely filed. At the time of the Office Action, claims 1-59 were pending in the application. Claims 1-21, 23-43, 45-51, 53, 55, 57-59 are again rejected under 35 U.S.C. §102(e). Claims 22, 44, 52, 54, 56 and 58 are objected to as being dependent upon a rejected base claim. The rejections are set out in more detail below.

I. Brief Review of Applicants' Invention

Prior to addressing the Examiner's rejections on the art, a brief review of applicants' invention is appropriate. The invention relates to an improved method for film encoding to facilitate the identification of the source of films illegally copied by camcorders and to media encoded in accordance with the method. Specifically, the invention is a method and apparatus for uniquely identifying a copy of a motion picture disposed on a media. The method can include the steps of selecting two or more motion picture scenes, where each of the scenes comprises an identifiable portion of the motion picture distinct from every other portion of the motion picture. Once the scenes have been identified, two or more sequences can be defined within each of the motion picture scenes such that each sequence includes two or more of frames. Once the scenes and sequences have been selected, the method can continue with the step of selectively marking at least one of the sequences from each scene to collectively define a uniquely identifiable marking arrangement or pattern on the media.

The mark that is applied to a frame can include any modification of the media that will produce a visually identifiable feature when the frame is displayed. For example, the feature can be a single dot, a constellation or grouping of dots arranged in a particular pattern, a pattern of straight or curved lines and any combination thereof. Dots can be of any particular shape including circles, ovals, ellipses, polygons, and any other regular or irregular shape. Even a mark that appears to be a random scratch can be used for this purpose, provided that the scratch is readily identifiable when the frame is displayed. According to one embodiment, the choice of mark can be without

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limitation, except to the extent that it can be identified at a later time. This can be a significant advantage because the marks can be formed in such a way as to be relatively difficult to identify and remove by illicit copiers. Alternatively, the mark itself can be coded in such a way as to have some further meaning.

II. Claim Rejections Under 35 U.S.C. §102(e)

In the Office Action, claims 1-21, 23-43, 45-51, 53, 55, 57-59 are again rejected under 35 U.S.C. §102(e) as being anticipated by Lin et al. (2002/20122490 A1).

Applicant appreciates the Examiner's acknowledgement that claims 22, 44, 52, 54, 56 and 58 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

With respect to applicant's arguments directed to claims 1, 23, 45 and 46 filed in the Response to Office Action dated June 14, 2006, the Examiner stated they are only persuasive in light of the limitations of claims 22 and 44. The Examiner has withdrawn the rejections of claims 22 and 44. Further, the Examiner has stated that the incorporation of claims 22 and 44 into independent claims 1 and 23, respectively, and the same exact or similar limitations added to independent claims 45 and 46 would result in the allowance of claims 1-50. Accordingly, applicant has merged the limitations of claims 22 and 44 into independent claims 1 and 23, respectively. Claims 22 and 44 are hereby canceled. Applicant has also amended independent claims 45 and 46 by adding similar limitations to those contained in claims 22 and 44. Thus, applicant believes independent claims 1, 23, 45 and 46 in a condition for allowance. In addition, applicant believes dependent claims 2-21, 24-43, and 47-50 are in a condition for allowance by virtue of their dependence upon an allowable base claim.

With respect to applicant's arguments directed to claims 51, 55, and 59 filed in the Response to Office Action dated June 14, 2006, the Examiner stated they are only persuasive in light of the limitations of claims 52 and 56. The Examiner has withdrawn the rejection of claims 52 and 56. Further, the Examiner has stated that the incorporation of claims 52 and 56 into independent claims 51 and 56, respectively, and the same exact or similar limitations added to independent claim 59 would result in the

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allowance of claims 51-59. Accordingly, applicant has merged the limitations of claims 52 and 56 into independent claims 51 and 55, respectively. Claims 52 and 56 are hereby canceled. Applicant has also amended independent claim 59 by adding similar limitations to those contained in claims 52 and 56. Thus, applicant believes independent claims 51, 55, and 59 are in a condition for allowance. In addition, applicant believes dependent claims 53-54, 57-58 are in a condition for allowance by virtue of their dependence upon an allowable base claim.

III. Conclusion

Applicants have made every effort to present claims which distinguish over the prior art, and it is believed that all claims are in condition for allowance. Nevertheless, Applicants invite the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. In view of the foregoing remarks, Applicants respectfully request reconsideration and prompt allowance of the pending claims.

Respectfully submitted,

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